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WESTERLY GRAHAM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WESTERLY GRAHAM.

No. C-06-00441 CW

Plaintiff,

vs.

UNITED STATES OF AMERICA,
DEPARTMENT OF VETERANS AFFAIRS, and
THANH NGUYEN-DINH, M.D.

**STIPULATION AND ORDER RE:
DISMISSAL OF THANH NGUYEN-DINH,
M.D.**

Defendants.

Plaintiff Westerly Graham and Defendant United States of America, by and through their respective counsel, stipulate to dismissal of Thanh Nguyen-Dinh, M.D. based on Defendant's written certification that Defendant Dinh's actions in treating Plaintiff were done in the course and scope of his employment for Defendant United States of America, Department of Veteran's Affairs. Based on

1 the certification, a copy of which is filed herewith, Plaintiff agrees to dismiss without prejudice
2 Defendant Thanh Nguyen-Dinh, M.D. from this lawsuit, pursuant to 28 U.S.C. §2679 (d)(1).

3
4 Dated: April 5, 2005

LAW OFFICE OF LESLEY HARRIS

5
6 _____/s/
7 Lesley B. Harris
8 Attorney for Plaintiff
9 WESTERLY GRAHAM

10 Dated: April ___, 2005

OFFICE OF THE UNITED STATES ATTORNEY

11
12 _____/s/
13 Andrew Y.S. Cheng
14 Assistant United States Attorney
15 Attorney for Defendant
16 UNITED STATES OF AMERICA, DEPARTMENT OF
17 VETERANS AFFAIRS

18
19
20 ORDER

21 IT IS SO ORDERED.

22 4/6/06

Dated: _____



23 Hon. Claudia Wilken
24 U.S. District Court Judge